



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/807,366	04/12/2001	Mary Vijayarani Barnabas	7312M	7246

27752 7590 03/25/2005

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

KUMAR, PREETI

ART UNIT	PAPER NUMBER
----------	--------------

1751

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/807,366

Applicant(s)

BARNABAS ET AL.

Examiner

Preeti Kumar

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-88 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-88 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Final Rejection

1. Claims 1-48 are cancelled.
2. Claims 49-88 are pending.
3. Claims 49, 70 and 73 are amended.
4. The rejection of claims 49 and 70 under 35 U.S.C. 112, second paragraph, is withdrawn in light of applicant's amendment.
5. The rejection of claims 49, 51, 54-56, 60-63, 69, 71-73, 76, 79, 84-88 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Burzio et al. (US 5,496,494) is maintained for the reasons recited in the previous office action and further explained below.

Examiner notes that claim 51 was inadvertently omitted from the rejection statement, but its material limitations have been addressed throughout the prosecution history of this case. Specifically, Burzio et al. teach in col.2, ln.5-20 oligosaccharides encompassed by the material limitation of claim 51.

Specifically regarding the currently amended claim 73, Burzio et al. teach from 0.5% to 20% of various co-builders encompassing the material limitations to electrolyte, solvent or surfactant as recited by the instant claim. See col.2,ln.20-55. Accordingly, the broad teachings of Burzio et al. appear to anticipate the material limitations of the instant claims. Alternatively, even if the broad teachings of Burzio et al. are not sufficient to anticipate the material limitations of the instant claims, it would have been

Art Unit: 1751

nonetheless obvious to one of ordinary skill in the art, to arrive at a composition comprising an electrolyte, solvent or surfactant having the properties as recited by the instant claim because Burzio et al. suggest 0.5% to 20% of various co-builders encompassing the material limitations to electrolyte, solvent or surfactant in general and would be expected to have similar properties as recited by the instant claim since Burzio et al. teach the use of similar materials (i.e. clothing garments) and in the similar production steps (i.e. contacted with an oligosaccharide and electrolyte, solvent or surfactant added to the wash water). The burden is upon the applicant to prove otherwise. *In re Fitzgerald*, 205 USPQ 594.

6. The rejection of claims 50, 52-53, 57-59, 64-68, 70, 74-75 under 35 U.S.C. 103(a) as being unpatentable over Burzio et al. (US 5,496,494) is maintained for the reasons recited in the previous office action.

Response to Arguments

7. Applicant's arguments filed 12/13/2004 have been fully considered but they are not persuasive. Applicant's urge that Burzio et al. do not teach a zeolite free composition. Contrary to applicants arguments, the teachings of Burzio et al. suggest that the incorporation of an oligosaccharide such as those described in col.2, ln.5-20 are added to the washing cycle to reduce the incrustation build up of detergents, particularly zeolite based detergents. In examples 2-7, Burzio et al. illustrate the benefits of non-reducing carbohydrate and/or non-reducing carbohydrate derivatives on treating textiles washed with a reference detergent comprising builders (see col.3,ln.28-34). Burzio et al. is not teaching a detergent composition comprising zeolite builders but instead

Art Unit: 1751

teaching one of ordinary skill in the art the benefit of adding oligosaccharides to the wash cycle to remove the build-up caused by detergent compositions in general.

Also applicants urge that Burzio et al. do not teach a composition that is a liquid carrier comprising water. Contrary to applicant's argument, Burzio et al. et al. teach a composition for treating textiles comprising a non-reducing carbohydrate and/or non-reducing carbohydrate derivatives including sugar alcohols which may be in any suitable form such as powder, liquid or syrup and may consist essentially of a carrier such as dextrose, lactose, maltodextrin or water, the improvement comprising the addition of the composition to the washing cycle. See col.2, ln.11-20 and the previous office action.

Conclusion

8. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

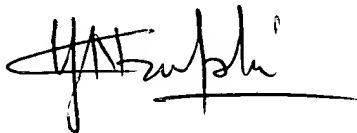
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Preeti Kumar whose telephone number is 571-272-1320. The examiner can normally be reached on M-F 9:00am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Preeti Kumar
Examiner
Art Unit 1751

PK

A handwritten signature in black ink, appearing to read 'Preeti Kumar', with a horizontal line extending from the end of the signature.